

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

## **MOTION TO ALLOW TELEPHONIC DEPOSITION**

Comes now the Plaintiff and moves the Court, pursuant to Federal Rule of Civil Procedure 30 (b) (7), to allow the Plaintiff to take the deposition of Allison Rhodes Lott on the afternoon of February 8<sup>th</sup> by telephone. As grounds for this motion, Plaintiff shows unto the Court that the proposed deponent resides in the State of Texas and it is not economically feasible for the Parties to travel to Texas to take the deposition. Further, the deposition should be straight forward, limited to one subject, and does not require the Parties to confront the deponent face to face. Plaintiff has previously requested that the Defendant consent to the taking of this deposition by telephone. Defendant's counsel indicated that he "thought" he could agree, but to this point, has not affirmatively indicated his agreement. Plaintiff therefore files this motion asking the Court to allow said deposition to go forward, by telephone, pursuant to Rule 30 (b) 7.

\s\John I. Cottle III  
John I. Cottle III (COT004)  
Attorney for Plaintiff

OF COUNSEL:  
Bowles & Cottle  
Attorneys at Law  
P.O. Box 780397  
2 South Dubois Avenue  
Tallassee, Alabama 36078  
(334) 283-6548  
Fax: (334) 283-5366  
(Email) [BowlesandCottle@aol.com](mailto:BowlesandCottle@aol.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2007, I electronically filed the forgoing with the Clerk of Court using the CM/EMF system which will send notification of such filing to the following:

Warren B. Lightfoot, Jr., Esquire  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2618

\s\John I. Cottle III  
Of Counsel